

Remarks

Courtesies extended to Applicants' representative during the telephone interview held on August 26, 2009, are acknowledged with appreciation. The substance of the interview is as set forth herein.

By the present communication, claims 1-19 have been canceled, and new claims 20-30 have been introduced to define Applicants' invention with greater particularity. No new matter is introduced by the subject amendments as the new claim language is fully supported by the specification and original claims. Indeed, the present claims correlate with the original claims as follows:

<u>Original claim</u>	<u>New claim</u>
1	20
2	21
6	22
7	23
8	24
9	25
13	26
17	27
18	28
19	29
	30

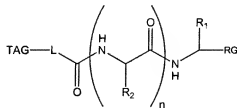
Upon entry of the amendments submitted herewith, claims 20-30 will be pending, with claims 20, 23, 24 and 30 under active prosecution, and claims 21, 22 and 25-29 withdrawn from consideration, subject to a request for rejoinder thereof.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented in the **Listing of Claims** starting on page 2, with an appropriate defined status identifier.

The indication that claims 7 and 8 (now claims 23 and 24) appear to be free of the prior art is acknowledged with appreciation. In view of the allowability of at least claims 23 and 24, it is respectfully submitted that at least claims 28 and 29 (which depend from claims 23 and 24, respectively) should be rejoined.

The rejection of claim 1 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement, is respectfully traversed. Applicants respectfully disagree with the Examiner's assertion that "[t]he claim(s) contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." (See the last 4 lines at page 3 of the Office Action).

Specifically, Applicants respectfully disagree with the Examiner's assertion that "[t]he possible structural variations are limitless to any class of Markush where nearly every position is variant and a common core structure is not present." (See the sentence bridging pages 6-7 of the Office Action). Contrary to the Examiner's assertion, the claim provides a core structure comprising up to 4 amino acid units, with a defined reactive group (RG) at one end thereof, and a detectable label (TAG) at the other end thereof, as follows:



wherein $n = 0, 1, 2, 3$ or 4 .

Each of the variables associated with the core of the molecule, i.e., R_1 , R_2 , L , RG and TAG , are defined structurally. No further definition is required for these variables as one of skill in the art has been given more than enough guidance as to what may be employed as a suitable detectable label (for TAG) and as a suitable reactive group (for RG).

Moreover, it is respectfully submitted that this rejection is not applicable to new claim 20 provided herewith. As discussed during the telephone interview, to the extent there may have been any issues with respect to the support for the scope of R_1 and R_2 in claim 1, there can be no such question about the reduced number of variations contemplated for R_1 and R_2 by claim 20.

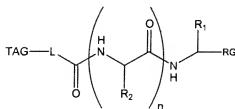
Similarly, to the extent there may have been any issues with respect to the support for the scope of RG in claim 1, there can be no such question about the reduced number of variations contemplated for RG by claim 20.

Furthermore, to the extent there may remain any issues with respect to the support for the scope of TAG in claim 1, there can be no such question about the reduced number of variations contemplated for TAG by claim 20.

Since, as discussed below, no prior art has been properly applied to claim 1, it is respectfully requested that the invention once again be searched to include consideration of the variables contemplated by claim 20.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are respectfully requested.

The rejection of claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lynch et al., US Patent No. 6,207,397, is respectfully traversed. Applicants' invention, as defined by claim 1, distinguishes over Lynch et al. by requiring a core structure comprising up to 4 amino acid units, with a defined reactive group (RG) at one end thereof, and a detectable label (TAG) at the other end thereof, as follows:



wherein $n = 0, 1, 2, 3$ or 4 .

Each of the variables associated with the core of the molecule, i.e., R_1 , R_2 , L , RG and TAG , are defined structurally.

Lynch et al. do not disclose or suggest such compounds. Specifically, Lynch et al. do not contemplate the presence of a reactive group which comprises a leaving group (LG) that is lost upon formation of a covalent bond between the ABP and a target enzyme. Instead, the "reactive amine group" of Lynch et al. is merely a free amine group which would not be lost upon reaction of the Lynch et al. compound with a target enzyme. Therefore, the Lynch et al. compound is not capable of undergoing the same chemical transformations as are possible with invention compounds.

Moreover, it is respectfully submitted that this rejection is not applicable to new claim 20 provided herewith. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

Conclusion

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event that any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

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